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Paper 62
Entered: 24 February 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Yeda Research and Development Co., Ltd.,
Junior Party
(Patent 7,108,999,
Inventors: David Wallach, Mark Boldin,
Eugene Varfolomeev and Igor Mett),

v.

The Regents of the University of Michigan,
Senior Party
(Application 08/443,982
Inventors: Vishva M. Dixit and
Karen O'Rourke).

Patent Interference 105,545 (RES)
(Technology Center 1699)

*Before SCHAFFER, LANE and MEDLEY, Administrative Patent Judges.
SCHAFFER, Administrative Patent Judge.*

Judgment - Merits - Bd.R. 127

- 1 Michigan filed an amendment narrowing and canceling some of its
- 2 claims. Paper 60. The parties jointly moved that as to the parties' remaining

1 claimed subject matter, there is no interference-in-fact. Paper 45. That
2 motion was granted. Paper 61. It is appropriate, therefore, to enter
3 judgment. Accordingly, it is

4 **ORDERED** that the Office is authorized to issue a patent to Michigan
5 including Claims 61, 72, and 76-78 (Paper 60);

6 **FURTHER ORDERED** that Michigan is not entitled to claims
7 directed to the subject matter of the claims listed below (Schedule A) which
8 were cancelled by Michigan's amendment:¹

9 Schedule A

10 Claims 62-68

11 Claims 70-71

12 Claim 72 depending from claims 62-68 and 70-71

13 Claim 73 depending from claims 62-68 and 70-71

14 Claims 74-75

15 Claim 76 depending from claims 74 and 75

16 Claim 77 depending from claims 74 and 75

17 Claim 78 depending from claim 74.

18 **FURTHER ORDERED** that Michigan's claims listed in Schedule A
19 are finally refused (35 U.S.C. § 135(a));

20 **FURTHER ORDERED** that a copy of this judgment be made of
21 record in the files of Application 08/443,982, and Patent 7,108,999; and

¹ See Application 08/443,982, Supplemental Amendment after Final Office Action received by the Office January 24, 2000, and authorized for entry by Examiner Romeo on February 2, 2000 and Paper 12 in this interference. The supplemental amendment includes the claims suggested for interference by the examiner and includes all of Michigan's claims involved in the interference. Paper 1, p. 3, ll. 28-30. Michigan's amendment (Paper 60) cancelled the claims listed in Schedule A.

1 **FURTHER ORDERED** that if there is any settlement agreement or
2 related documents which have not been filed, attention is directed to
3 35 U.S.C. § 135(c) and 37 C.F.R. § 41.205.

/ Richard E. Schafer/)
RICHARD E. SCHAFER)
Administrative Patent Judge)

/ Sally G. Lane/) BOARD OF PATENT
SALLY G. LANE) APPEALS AND
Administrative Patent Judge) INTERFERENCES

/Sally C. Medley/)
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